

Message Text

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E.O. 11652: N/A

TAGS: PGOV, PINS, JM

SUBJECT: BRITISH PRIVY COUNCIL RULES GUN COURT CONSTITUTIONAL

REF: KINGSTON 3795 OF DECEMBER 9, 1974

1. THE PRIVY COUNCIL JUDICIAL COMMITTEE IN LONDON HAS UPHELD THE CONSTITUTIONALITY OF 1974 GUN LEGISLATION BUT HAS RULED UNLAWFUL THE SENTENCE OF INDEFINITE DETENTION UNDER THE GUN COURT ACT. THE COUNCIL HELD THAT MANDATORY SENTENCES OF DETENTION WITH HARD LABOR DURING THE GOVERNOR GENERAL'S PLEASURE WERE UNLAWFUL BECAUSE THE RESIDENT MAGISTRATE HAD NO POWER TO AWARD THEM.

2. ACCORDING TO ATTORNEY GENERAL LEACROFT ROBINSON THE CASES OF THOSE ALREADY SERVING TERMS IN THE GUN COURT WILL BE REMITTED TO THE COURT OF APPEALS TO PASS OTHER SENTENCES UNDER THE FIREARMS ACT AS THEY THINK OUGHT TO HAVE BEEN PASSED IN SUBSTITUTION FOR THE SENTENCES PASSED BY THE RESIDENT MAGISTRATE UNDER THE GUN COURT ACT. ROBINSON COMMENTED TO THE PRESS THAT SENTENCES UNDER THE FIREARMS ACT PASSED BY THE RESIDENT MAGISTRATE COULD NOT EXCEED FIVE YEARS. SUCH CASES HOWEVER COULD BE REFERRED TO A CIRCUIT COURT WHERE A JUDGE COULD IMPOSE A SENTENCE OF LIFE IMPRISONMENT FOR THE OFFENSE OF ILLEGAL POSSESSION OF A FIREARM.

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3. PRIME MINISTER MANLEY IS SCHEDULED TO ADDRESS PARLIAMENT TODAY ON THE MATTER OF THE GUN COURT LEGISLATION. LEGAL AND POLITICAL OBSERVERS EXPECT THAT THE PRIME MINISTER WILL INDICATE WHETHER THE GOVERNMENT INTENDS TO INCREASE THE LEVEL OF THE SENTENCE, AND IF SO, BY HOW MUCH. IT IS ALSO LIKELY THAT HE WILL DISCUSS WHETHER THE GOVERNMENT INTENDS TO IMPOSE NEW MANDATORY SENTENCES IN RELATION TO GUN CRIMES, AND WHETHER A FULL TIME PAROLE BOARD WHICH IS TO BE INCLUDED IN PENAL REFORM, WILL ALSO BE RELATED TO GUN CRIMES. GERARD

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